

REMARKS/ARGUMENTS

This is a preliminary amendment in a RCE application. The Office Action mailed September 23, 2004 has been carefully reviewed. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. The claims presented for examination are: claims 1-13.

35 USC 112 REJECTION

In the Office Action mailed September 23, 2004, claims 5-8 and 12-13 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because the SiNx was used and it is not the conventional silicon nitride Si<sub>3</sub>N<sub>4</sub>.

Applicants have amended the claims to change the description of silicon nitride from "SiNx" to "Si<sub>3</sub>N<sub>4</sub>." Applicants believe the claims now comply with the requirements of 35 U.S.C. 112, second paragraph.

35 USC 102 Rejection

In the Office Action mailed September 23, 2004, claims 1-13 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by the Carey et al reference (U.S. Patent No. 5,817,550).

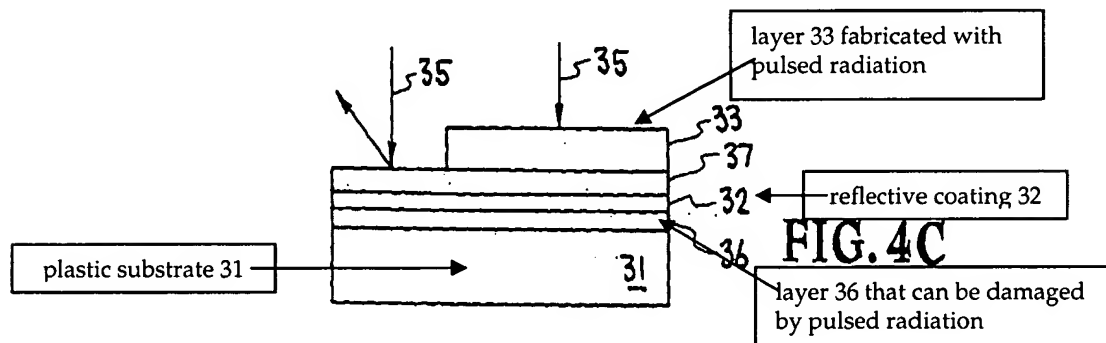
Applicant has amended claims 1-13 presented for examination; therefore claims 1-13 are now presented in amended form. Since claims 1-13 now appear in amended form the 35 USC §102 rejection in the Office Action mailed September 23, 2004 no longer applies.

The Invention Defined by Amended Claims 1-13

The invention defined by amended claims 1-13 is directed to a semiconductor device consisting of a specific combination of structural elements in a specific order. This specific combination of structural elements in a specific

order is illustrated by the embodiment of the invention shown in figure 4C of the drawings. A copy of figure 4C is set out below with legends added to identify the structural elements. The order and the combination of the structural elements are:

- (1) a plastic substrate,
- (2) a layer fabricated with pulsed radiation positioned above the plastic substrate,
- (3) a layer that can be damaged by pulsed radiation positioned above the plastic substrate and operatively connected to the layer fabricated with pulsed radiation, and
- (4) a narrowband reflective coating layer positioned above the layer that can be damaged by pulsed radiation, positioned above the plastic substrate, and operatively connected to the layer that can be damaged by said pulsed radiation, with the narrowband reflective coating layer positioned over the layer that can be damaged by pulsed radiation for reflecting the pulsed radiation and protecting the layer that can be damaged by pulsed radiation.



Applicant believes the invention claimed in amended claims 1-13 is not anticipated by the Carey et al reference. The standard for a 35 USC §102 rejection is stated in Verdegaal Bros. v. Union Oil Co of California, 814 F.2<sup>nd</sup> 628, 631 USPQ 1051, 1053 (Fed. Cir. 1987), "A claim is anticipated only if each and every element

as set forth in the claim is found, either expressly or inherently described in a single prior art reference.”

Applicant points out that the specific combination of structural elements in the specific order of amended claims 1-13 is not found in the Carey et al reference. The Carey et al reference does not show Applicants’ semiconductor device, consisting of structural elements in the following order: (1) a plastic substrate, (2) a layer fabricated with pulsed radiation positioned above the plastic substrate, (3) a layer that can be damaged by pulsed radiation positioned above the plastic substrate and operatively connected to the layer fabricated with pulsed radiation, and (4) a narrowband reflective coating layer positioned above the layer that can be damaged by pulsed radiation, positioned above the plastic substrate, and operatively connected to the layer that can be damaged by said pulsed radiation, wherein the narrowband reflective coating layer is positioned over the layer that can be damaged by pulsed radiation for reflecting the pulsed radiation and protecting the layer that can be damaged by pulsed radiation.

Since the specific combination of structural elements in the specific order of Applicants’ amended claims 1-13 is not found in the Carey et al reference, the Carey et al reference would not support a 35 USC §102 rejection.

#### 35 USC 103 Rejection

In the Office Action mailed September 23, 2004 claims 5-8, 10, and 12-13 were rejected under 35 USC 103(a) as allegedly being unpatentable over the Carey et al reference (U.S. Patent No. 5,817,550).

Applicants have amended claims 5-8, 10, and 12-13. Since claim claims 5-8, 10, and 12-13 now appear in amended form the 35 USC §103(a) rejection in the Office Action mailed September 23, 2004 no longer applies.

Applicants respectfully submit that amended claims 5-8, 10, and 12-13 presented for examination are patentable over the Carey et al reference. The

factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966) that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) include “Ascertaining the differences between the prior art and the claims at issue.”


Differences between the Carey et al reference and Applicants’ invention defined by amended claims 5-8, 10, and 12-13 include the fact that the specific combination of structural elements in the specific order of amended claims 1-13 is not found in the Carey et al reference. The Carey et al reference does not show Applicants’ semiconductor device, consisting of structural elements in the following order: (1) a plastic substrate, (2) a layer fabricated with pulsed radiation positioned above the plastic substrate, (3) a layer that can be damaged by pulsed radiation positioned above the plastic substrate and operatively connected to the layer fabricated with pulsed radiation, and (4) a narrowband reflective coating layer positioned above the layer that can be damaged by pulsed radiation, positioned above the plastic substrate, and operatively connected to the layer that can be damaged by said pulsed radiation, wherein the narrowband reflective coating layer is positioned over the layer that can be damaged by pulsed radiation for reflecting the pulsed radiation and protecting the layer that can be damaged by pulsed radiation.

There is no obvious modification of the Carey et al reference that would produce the combination of elements of Applicants’ amended claims. Thus, the Carey et al reference fails to support a rejection of the claims under 35 USC 103.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action dated September 23, 2004 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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